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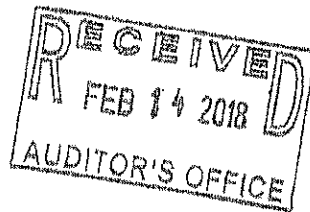
FEB 14 2018

DISTRICT COURT
GRAYS HARBOR COUNTY

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CLERK OF COURT



IN THE GRAYS HARBOR DISTRICT COURT DEPARTMENT TWO

QI WEN "KEVIN" CHEN, EDISON
ZHENG, YU KIN ZHENG, FEI-HUI
ZHENG, and H & K AUTO SALES,

Plaintiffs,

vs.

GRAYS HARBOR COUNTY, a
governmental agency, THE GRAYS
HARBOR COUNTY DRUG TASK
FORCE, a division of the Grays
Harbor County Sheriff's Department
and Grays Harbor County,

Defendants.

NO. 18-2-0433

COMPLAINT AND PETITION FOR
REMOVAL OF FORFEITURE ACTION,
DAMAGES AND RETURN OF
PERSONAL PROPERTY

COMES NOW, the Plaintiffs, by and through their attorneys of record, HAGEN
BATES & EDWARDS P.S., and moves for claims against Defendants and each of them,
allege as follows:

FIRST CAUSE OF ACTION

I.

Plaintiffs resides in Grays Harbor County, State of Washington. Plaintiffs are the
owners of and claim an immediate right of possession in and to the following:

DTF CASE NO. 2017- 30088

- Item 17. Honda Civic WA LIC/AKX0675, VIN/1HGFA16546L061876; and
- 1989 Ford Econoline Van LIC/B69901W, VIN/1FTFE24Y1KHC30237;
- Item 21. Laptop;
- Item 26. Computer Tower;
- Item 27. Laptop;
- Item 28. Ipad;

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Item 34. \$8.75 misc. change;

DTF CASE NO. 2017-20037

Item A6: \$46.95
Item 3: Glacier Bay faucet shower set Model/1002541861
Item 4: Glacier Bay faucet set Model/1002541817
Item 5: Glacier Bay faucet set Model/100251811
Item 6: Diablos saw blades 24 7/4
Item 8: Ryobi cordless drill 18v SN/CS15041D441207
Item 9: Makita drill SN/885734 Model/HP2050
Item 10: Skil saw 8.5 reciprocating
Item 11: Ryobi 18.0v reciprocating saw cordless Model/P510,
SN/CS113633659
Item 12: Porter cable sabre saw SN/066327A4015, Model/423MAG
Item 13: Garmin GPS Nuvi 40lm SN/2D521301
Item 14: Ryobi saber saw SN/C5093710558 Model/CSB123
Item 20: Delta Foundations faucet set
Item 21: Smonet Security System
Item 22: Skil saw Model/4380
Item *: Mercury Milan 2007, purple, WA LIC/AOV0134,
VIN/3MEHM02117R662563

herein "property", which was unlawfully seized by agents of the County of Grays Harbor.

II.

The Defendant, Grays Harbor County, is organized under the laws of the State of Washington. The Defendant, Grays Harbor County Drug Task Force, is an agent of the County of Grays Harbor.

III.

On or before ~~November 28, 2017~~, the before-mentioned property was unlawfully seized from the Plaintiff by agents of the Grays Harbor County Task Force who were then and there acting within the scope of their employment as police officers with the Grays Harbor County Sheriff's Department.

IV.

On or about December 5, 2017, officers and agents of the Defendants, sent a Notice of Seizure and attend forfeiture purportedly under the authority of RCW 69.50.505.

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V.

On or about January 8, 2018, the Plaintiffs timely filed a Notice of Claim and Request for Hearing.

VI.

The seizure of the before-mentioned property was without probable cause, was illegal, and in violation of the 4th amendment of the United States Constitution and Article I, Section 7, of the Constitution of the State of Washington, and further did not comply with the requirements of RCW 69.50.505.

VII.

The Plaintiffs are the owners and rightful possessors of the before-described property which were not properly forfeitable under RCW 69.50.

VIII.

Plaintiffs petition the court to remove the forfeiture action from the Grays Harbor County Drug Task Force to Grays Harbor County District Court Department Two and for an order requiring the Defendants to immediately return the seized property to the Plaintiffs.

SECTION CAUSE OF ACTION

IX.

Plaintiffs incorporate the allegations contained in Paragraph I through VIII by this reference.

X.

As a direct and proximate result of the illegal seizure and attempted forfeiture of the seized property, Plaintiffs have suffered damages including loss of the use of the seized property, interest, invasion of his privacy interest, conversion of the seized property, and attorney's fees and costs in connection with securing the return of the seized property. The amount of damages shall be established at the time of trial.

THIRD CAUSE OF ACTION

XI.

Plaintiffs incorporate the allegations contained in Paragraph I through X by this reference.

XII.

The conduct of the Defendants, and each of them, constitutes a taking or damaging of property under the color of law in violation of 42 USC § 1983. Defendants should be taxed with punitive damages and attorney's fees.

WHEREFORE, Plaintiffs pray for judgment against the Defendants, and each of them, as follows:

1. Removal of the forfeiture action from the Grays Harbor County Drug Task Force to the Grays Harbor District Court Department Two;
2. For return of the before-described seized property;
3. For damages for the detention of the seized property, interest, for loss of use of the seized property, and for conversion of the seized property, all to be proven at the time of trial;
4. For punitive damages against Defendants in a sum to be determined at trial;
5. For reasonable attorney's fees and costs expended in securing the return of seized items; and
6. For such other and further relief and the court deems just and proper.

Dated this 13th day of February, 2018.

HAGEN BATES & EDWARDS P.S.
Attorneys for Plaintiffs


WAYNE D. HAGEN, JR. WSBA #18640

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